

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/23/2001

02/22/2001

CLERK OF THE COURT
FORM R000A

HON. MICHAEL O. WILKINSON

J. PINTER
Deputy

CR 1997-009340

FILED: _____

STATE OF ARIZONA

MARIA Y ARMIJO
JEANNETTE GALLAGHER

v.

TONATIHU AGUILAR

BRUCE E BLUMBERG
ROBERT L STORRS

MCSO-DIS
VICTIM WITNESS DIV-CA-CCC

MINUTE ENTRY

Prior to trial,

A portion of exhibit 3 from the hearing of 03/17/97 in CR 95-10257 is temporarily released to counsel for the state.
ISSUED: Temporary Exhibit Release Form

10:35 a.m. Trial to a jury continues from 02/21/01. The above noted counsel and defendant are present. The jury is not present.

Court Reporter Judy Gibbons is present.

The Court having researched the issue of dangerousness, and finds that, over the objection of defense, logic is that the state may allege dangerousness at any time.

The issue of security is addressed by counsel for the state and the state requests that the case detective be allowed to be

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armed during trial and that extra undercover security be allowed.

Arguments to the Court.

IT IS ORDERED allowing Detective Jones and an armed undercover detective to be present for trial.

As to the issue of dangerousness,

As to Counts I and II, the clerk will not read the allegation of dangerousness as to the offenses.

10:43 a.m. The jury is present.

The Court instructs the jury with initial instructions.

The Clerk reads the Indictment of charges and makes known the defendant's pleas thereto.

Sidebar conference is held among Court and counsel and ruled upon as reflected on the record.

Opening statements.

12:10 p.m. Court stands at recess.

State's exhibit 88 is marked for identification.

1:35 p.m. Court reconvenes with respective counsel and defendant present. The jury is not present.

Court Reporter Judy Gibbons is present.

The state moves to preclude defendant from attempting to impeach Hector Imperial, Jr., with a videotape of his testimony in the presence of the jury.

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Arguments to the Court.

At the conclusion at direct examination, Court will break to argue the specific impeachment.

For purposes of making a record,

The motion for jury trial in the sentencing phase of the trial is denied. The Court believes it was previously denied, but wants to make a record.

1:45 p.m. The jury is present.

1:47 p.m. Court stands at recess.

1:55 p.m. Court reconvenes with respective counsel and defendant present. The jury is present.

Court Reporter Judy Gibbons is present.

State's case.

Hector Cesar Imperial, Jr., is sworn and testifies.

State's exhibit 29 is received in evidence.

LET THE RECORD REFLECT the witness identifies the defendant.

State's exhibit 79 is received in evidence.

2:27 p.m. The jury recesses.

Counsel Storrs makes a record of his objection to the ruling on the issue of the statement of the father to the son being an excited utterance exception to the hearsay rule.

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The objection is overruled. The Court is taking into consideration the previous statements that the vacuum was left running, the car was left running, and the father running in the house to get a gun. This was clearly an exciting event reaction.

2:33 p.m. Court stands at recess.

2:45 p.m. Court reconvenes with respective counsel and defendant present. The jury is not present.

Court Reporter Judy Gibbons is present.

Argument re photo counsel for the defendant intends to use in questioning the witness.

2:48 p.m. The jury is present.

Hector Cesar Imperial, Jr., resumes the stand and testifies further.

3:15 p.m. Court stands at recess.

3:29 p.m. Court reconvenes with respective counsel and defendant present. The jury is present.

Court Reporter Judy Gibbons is present.

Hector Cesar Imperial, Jr., resumes the stand and testifies further.

Sidebar conference is held among Court and counsel and ruled upon as reflected on the record.

LET THE RECORD REFLECT receipt of written questions from the jury, which are responded to as reflected on the record.
FILED: Jury Questions

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4:30 p.m. Court stands at recess until 9:30 a.m.,
FEBRUARY 26, 2001.